

INCLUSION OF ADDITIONAL FEDERAL EMPLOYEES IN SECTION 1114, TITLE 18, UNITED STATES CODE

JUNE 26, 1956.—Referred to the House Calendar and ordered to be printed

Mr. FRAZIER, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 6997]

The Committee on the Judiciary, to whom was referred the bill (H. R. 6997) to include persons engaged in carrying out the provisions of labor laws of the United States within the provisions of sections 111 and 1114 of title 18 of the United States Code, relating to assaults and homicides, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That section 1114 of title 18, United States Code, is hereby amended by striking out "or any officer or employee of the Indian field service of the United States" and inserting in lieu thereof "any officer or employee of the Indian field service of the United States, any officer or employee of the Department of Labor authorized to perform duties in connection with investigatory or enforcement functions under provisions relating to labor in any law of the United States, any officer, guard or special policeman who is designated either by the Secretary of Commerce or by any person authorized by him to make such designation, or who is designated by the Administrator of the General Services Administration or by any person authorized by him to make such designation, to guard and protect property of the United States under the administration and control of the Department of Commerce or the General Services Administration,

SEC. 2. Section 1114 of title 18, United States Code, as amended, is amended by inserting after the words "correctional institution," the words "any probation officer of a United States district court."

Amend the title to read as follows:

A bill to include officers and employees of the Departments of Labor, Commerce, and the General Services Administration and Federal probation officers in title 18 of the United States Code, section 1114.

AMENDMENT

The purpose of the amendment is to incorporate into 1 bill proposals which were contained in 3 bills. As introduced, H. R. 6997 related to officers and employees of the Department of Labor only. Provision for the inclusion of probation officers in section 1114 of title 18, United States Code, was in H. R. 5060. Provision for the inclusion of persons designated by the Secretary of Commerce or the Administrator of the General Services Administration was in H. R. 8235. The House Judiciary Committee has combined the provisions of these 3 similar bills into 1 bill.

GENERAL STATEMENT

H. R. 6997 is designed to bring within the protection of Federal criminal laws certain Federal law enforcement and investigatory officials whose duties expose them to hazards and dangers greater than the ordinary Government worker. The bill amends section 1114 of title 18, United States Code, to add to the list of Federal officers and employees therein enumerated certain employees of the Departments of Labor, Commerce, the General Services Administration and Federal probation officers. A person who kills an officer or employee enumerated in section 1114 while engaged in or on account of the performance of his official duties may be guilty of a Federal as well as a State crime of murder or manslaughter. Similarly, whoever assaults any officer or employee enumerated in section 1114 may be guilty of a Federal as well as a State offense. Federal officers and employees presently enumerated are:

1. Judges of the United States.
2. United States attorneys and their assistants.
3. United States marshals and their deputies.
4. Post office inspectors.
5. Officers and employees of United States penal and correctional institutions.
6. Secret Service personnel.
7. Customs personnel.
8. Internal Revenue personnel.
9. Immigration officers.
10. United States game wardens.
11. Bureau of Narcotics personnel.
12. Officers and enlisted men of the Coast Guard.
13. Personnel of the Federal Bureau of Investigation in the Department of Justice.
14. National Park Service personnel.
15. Bureau of Land Management personnel.
16. Employees of the Bureau of Animal Industry of the Department of Agriculture.
17. Personnel of the Indian field service of the United States.

The House Judiciary Committee is of the opinion that those officers and employees specified in H. R. 6997 are also worthy of inclusion in the protections of the Federal criminal laws.

OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF LABOR

Officers and employees of the Department of Labor authorized to perform duties in connection with investigatory or enforcement func-

tions under provisions relating to labor in any law of the United States are proposed for inclusion in section 1114 of title 18, United States Code, by H. R. 6997. The House Judiciary Committee understands that wage-hour investigators conducting investigations under the Fair Labor Standards Act and the Walsh-Healey Public Contracts Act and field representatives of the Bureau of Employment Security who conduct investigations as to compliance by employers with the terms of the agreement between this country and Mexico relating to the employment of Mexican farm labor have been physically assaulted on occasion. In some instances investigators' lives have been threatened and they have been bodily ejected from employers' premises. The House Judiciary Committee is of the opinion that these officers and employees deserve the protection of the Federal criminal laws as provided in H. R. 6997.

There is included at this point in the report the views of the Department of Justice and the Department of Labor on this aspect of H. R. 6997.

JULY 15, 1955.

HON. EMANUEL CELLER,

*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning the bill (H. R. 6997) to include persons engaged in carrying out the provisions of labor laws of the United States within the provisions of sections 111 and 1114 of title 18 of the United States Code, relating to assaults and homicides.

Sections 111 and 1114 protect certain officials and employees of the United States against assaults and homicides. The instant bill would extend this protection to "any officer or employee of the Department of Labor or other person authorized to perform investigatory or other duties in connection with the administration or enforcement of provisions relating to labor contained in any law of the United States."

The history of section 1114 of title 18, United States Code, shows that it was originally confined to Federal personnel engaged in law enforcement or investigative duties. While the law has been revised from time to time, such revisions have in the main been confined to the original purpose of the statute. This bill, however, might be construed to embrace all personnel of the Department of Labor, irrespective of whether their functions are of an investigatory or enforcement nature, including those whose duties are entirely clerical or administrative, and could likewise be construed to embrace personnel of other agencies having functions in the labor field.

Assuming that the bill is primarily intended to afford the protection of sections 111 and 1114 of title 18, United States Code, to investigatory and enforcement personnel only it is suggested that the committee may wish appropriately to amend the measure so as to accomplish this objective.

Whether the measure should be enacted constitutes a question of policy concerning which the Department of Justice prefers to make no comment.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

UNITED STATES DEPARTMENT OF LABOR,
July 13, 1955.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
United States House of Representatives,
Washington, D. C.*

DEAR CONGRESSMAN CELLER: This is in further reply to your request for my views on H. R. 6997, a bill to include persons engaged in carrying out the provisions of labor laws of the United States within the provisions of sections 111 and 1114 of title 18 of the United States Code, relating to assaults and homicides.

This bill would amend section 1114 of the Criminal Code of the United States, relating to homicides against officers and employees of the United States, by adding to the classes covered by the section officers and employees of the Department of Labor and other persons performing duties in connection with the administration and enforcement of Federal labor laws. The bill would also, by reference, bring such officers and employees under section 111 of the Criminal Code, which makes it a Federal crime to assault, resist, impede, oppose, intimidate, or interfere with any persons designated in section 1114 while they are engaged in the performance of their duties.

I heartily endorse this bill. It would afford needed protection not only to such employees of the Department of Labor as wage and hour inspectors, attorneys, and others administering and enforcing statutes pertaining to labor but also employees of other Federal agencies and many States whose activities are directed toward the enforcement of laws in which this Department has an interest. In accordance with Reorganization Plan No. 14 of 1950, the Department of Labor has issued regulations setting forth standard procedures with respect to administration and enforcement by Federal agencies of labor standards provisions applicable to contracts covering federally financed and assisted construction. Employees assigned by the various contracting agencies to carry out agency responsibility for enforcement of these uniform standards would be protected by the bill. The bill would also protect employees of State labor agencies while their services are being utilized for carrying out various functions and duties of this Department under the Fair Labor Standards Act and the Walsh-Healey Public Contracts Act. At the present time the Department of Labor has entered into cooperative agreements for this purpose with 2 States with respect to the Fair Labor Standards Act and 22 States with respect to the health and safety requirements of the Walsh-Healey Public Contracts Act.

There have been instances in which persons administering and enforcing Federal labor laws—wage and hour inspectors, for example—have been threatened with assault or assaulted while performing their duties. These instances indicate the need for providing these persons with the same protection that is available to those administering and

enforcing other laws of the United States. This bill would provide that protection and I strongly urge its enactment.

The Bureau of the Budget advises that it has no objection to the submission of this report.

Sincerely yours,

JAMES P. MITCHELL,
Secretary of Labor.

FEDERAL PROBATION OFFICERS

The inclusion of Federal probation officers in the probation of Federal criminal laws relating to murder, manslaughter and assault was recommended to Congress in an executive communication from the Administrative Office of the United States Courts, which communication is subsequently made a part of this report. As a result of the executive communication, H. R. 5060 was introduced. Its provisions have been incorporated into H. R. 6997. The House Judiciary Committee is of the opinion that the duties of Federal probation officers clearly bring them into contact with dangerous and, often, hostile, persons. For this reason they should receive the protection of the Federal criminal laws as provided in H. R. 6997.

The executive communication dated March 14, 1955, from the Director of the Administrative Office of the United States Courts, directed to Hon. Sam Rayburn, the Speaker of the House of Representatives, and the report of the Department of Justice on H. R. 5060, dated July 12, 1955, are made a part of the report at this point. As was indicated, the provisions of H. R. 5060 have been made a part of H. R. 6997.

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS,
SUPREME COURT BUILDING,
Washington D. C., March 14, 1955.

Hon. SAM RAYBURN,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: On behalf of the Judicial Conference of the United States, I transmit herewith for the consideration of the Congress a draft of a bill approved by the Conference which would amend section 1114 of title 18 of the United States Code as amended in reference to the protection of officers and employees of the United States, by including probation officers of United States district courts.

Section 1114 of title 18 of the United States Code provides that whoever kills any judge of the United States or a considerable number of other specified officers of the United States while the officer is engaged in the performance of his official duties or on account of such performance, shall be punished as provided in sections 1111 and 1112 of the title. These sections define the crimes of murder and manslaughter. The effect of section 1114 is to make a person who kills a Federal judge or any of the other Federal officers enumerated in the section in connection with or on account of performance of his official duties, subject to trial for murder or manslaughter in the appropriate Federal court. Also there is a corollary section, 111, which makes it a Federal offense punishable by a fine of not more than \$5,000, or imprisonment for not more than 3 years, or both, to assault forcibly,

resist, oppose, intimidate, or interfere with any person designated in section 1114 while engaged in or on account of the performance of his official duties. If in any of these acts a deadly or dangerous weapon is used, the fine may be as much as \$10,000 and the imprisonment for as long as 10 years.

Section 1114 and by reference section 111 cover in addition to judges of the United States, officers or employees of the United States penal and correctional institutions. Probation officers of the United States district courts are subject in the performance of their duties to similar hazards, and therefore in the opinion of the Judicial Conference of the United States are entitled to the protection of the provisions.

The Federal probation officers are appointed by the United States district courts which they serve (18 U. S. C. 3654). They have two general classes of duties, 1, the supervision of offenders on probation or parole; and 2, the making of presentence investigations of offenders convicted by the courts for the purpose of furnishing information to the judges which will be helpful to them in determining the sentences. On June 30, 1954 the number of persons under supervision by the probation officers who then numbered 316, was 29,472, of whom 21,915 were probationers, 5,093 were civil parolees, 1,329 were persons on conditional release, and 1,135 were military parolees being supervised for the Army and the Air Force. In the fiscal year 1954, 28,349 investigations were made by the probation officers, of which 19,811 were presentence investigations, 7,101 were civil preparole investigations and 1,437 were military preparole investigations.

The duties of supervision and investigation of offenders which devolve upon probation officers, undoubtedly subject them to personal hazards above those of ordinary Government officers and employees. In their investigations they regularly call at the homes and upon the associates of persons guilty of Federal crimes in order to obtain information about them. Although this inquiry is designed only to assist the judges to deal intelligently with the offenders in the matter of sentence, and often works for their benefit by indicating possibilities of rehabilitation on probation which might not otherwise be known, it may nevertheless appear to be hostile. The probation officers are often thought of by the offenders and their relatives and friends as police officers. Also if the facts shown by the presentence reports indicate to the judges that probation cannot prudently be granted and the offenders are sentenced to prison, they may blame the probation officers for the outcome. This tends to make the offenders hostile when they come out. If the probationers or parolees do not conduct themselves properly and commit serious violations of their probation or parole, it is necessary for the probation officers to report the violations to the court or the Board of Parole as the case may be. In fact under section 3653 of title 18 of the United States Code it may be their duty to arrest the offender.

These hazards which are inherent in the work of probation officers are very real. While actual menace does not occur to any individual probation officer often, there are recurring examples of it in experience and there is always the potential danger. A few illustrations may be given.

A former parolee called at the home of a probation officer who had previously supervised him and immediately shot and killed the officer's son, a young man, when he answered the door. A probation officer

in a large city, detecting on the street a probation violator for whom the police were looking, arrested him and the man was sentenced to 2½ years in prison. He said that when he got out he was going to get the probation officer. Another probation officer, going into the woods remote from any settlement to call on a probationer, met a barrage of shotgun fire, and had to take refuge behind some trees. On one occasion a probation violator broke away from a probation officer and was captured by the officer before he had gone far. At a later time the offender shot and killed a policeman for which he was sentenced to be electrocuted. If he had had a weapon on him at the time of his previous attempt to escape, the probation officer might not have come off unscathed.

For the reasons stated it is believed that the Federal probation officers are entitled to the protection given by section 1114 of title 18 of the United States Code to other Federal officers exposed to murder by the nature of their work. Also it should be possible to prosecute in the Federal courts under section 111 of title 18 attempts to interfere by violence or threats of violence with the performance by the probation officers of their duties, as the proposed amendment of section 1114 would permit. I therefore would request that a bill in the form enclosed be introduced and referred to the appropriate committee, and I hope that in due course it may be enacted.

Sincerely yours,

HENRY P. CHANDLER.

JULY 12, 1955.

Hon. EMANUEL CELLER,

Chairman, Committee on the Judiciary,

House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning the bill (H. R. 5060) to amend section 1114 of title 18 of the United States Code, as amended, in reference to the protection of officers and employees of the United States by including probation officers of United States district courts.

Section 1114 of title 18, United States Code, now provides that whoever kills any of certain designated officers or employees of the United States while engaged in the performance of their official duties, or on account of the performance of such duties, shall be punished as provided in sections 1111 and 1112, which relate, respectively, to murder and manslaughter. Section 111 of title 18 makes it a felony forcibly to assault, resist, oppose, impede, intimidate, or interfere with any of the persons designated in section 1114 while such persons are engaged in or on account of the performance of their official duties. This bill would extend the protection of the two sections to probation officers of the United States district courts.

The history of section 1114 shows that it was originally intended to protect Federal personnel engaged in law-enforcement or investigative duties. The proposed amendment would be in keeping with that original legislative intent.

Accordingly, the Department of Justice would have no objection to the enactment of this legislation.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

COMMERCE DEPARTMENT AND GENERAL SERVICES ADMINISTRATION
PERSONNEL

The inclusion of officers, guards and special policemen designated through the Secretary of Commerce or the Administrator of the General Services Administration to guard and protect property of the United States was recommended by Congress in an executive communication from the Secretary of Commerce dated September 1, 1955. The House Judiciary Committee recognizes that these guards and special policemen are exposed to particular criminal hazards in connection with their duties of guarding and protecting property of the United States in the vicinity of docks, warehouses, terminals and storage areas. Legislation designed to accord these guards and policemen the protection of the Federal criminal laws relating to murder, manslaughter and assault was introduced as H. R. 8235. The provisions of H. R. 8235 were incorporated in H. R. 6997. The executive communication from the Secretary of Commerce dated September 1, 1955, directed to the Honorable Sam Rayburn, Speaker of the House of Representatives, is made a part of the report at this point.

THE SECRETARY OF COMMERCE,
Washington, September 1, 1955.

HON. SAM RAYBURN,
Speaker of the House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: There are submitted herewith draft and statement of purpose and provisions of a bill to amend section 1114 of title 18 of the United States Code relating to the protection of officers and employees of the United States.

The Secretary of Commerce has been delegated by the Administrator of the General Services Administration, the duty of appointing special policemen to guard Maritime Administration properties consisting of shipyards, warehouses, reserve fleet buildings and reserve training stations. The proposed legislation is designed to protect these policemen from violence while engaged in the performance of their official duties by making it a Federal crime to assault or otherwise injure them.

The proposed legislation, at the request of the General Services Administration, includes protection for its employees performing similar duties for that agency.

The provisions and purpose of the proposed legislation are set forth in detail in the accompanying statement.

The Department recommends favorable consideration and enactment of the proposed legislation.

The Director of the Bureau of the Budget has advised that there would be no objection to the submission of the proposed legislation.

Sincerely yours,

WALTER WILLIAMS,
Acting Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED FOR BILL TO AMEND SECTION 1114 OF TITLE 18 OF UNITED STATES CODE RELATING TO THE PROTECTION OF OFFICERS AND EMPLOYEES OF THE UNITED STATES

The purpose of the proposed bill is to extend protection of the Federal law of crimes and criminal procedure to officers and employees of the Department of Commerce and the General Services Administration, whose duty it is to guard property under their respective administration and control. Employees of the Department of Commerce protect property consisting of warehouses, terminals, shipyards, and reserve fleet sites (water areas and shore properties). Property protected by the General Services Administration consists of public building and storage areas situated throughout the United States.

The draft bill would amend section 1114 of title 18, United Code, by adding to the officers and employees of the Federal departments enumerated therein, officers, employees, guards, and special policemen, whose duty it is to protect property of the United States administered and controlled by the Secretary of Commerce and the General Services Administration, from loss, damage or injury, by theft, fire, burglary, negligence or other.

It is essential that the persons guarding such properties be protected from violence and from interference in the performance of their duties by providing for the punishment of those guilty of such acts, according to law. While section 1114, sought to be amended, deals only with murder, section 111 of the same title provides for the punishment of persons who forcibly assault, resist, oppose, impede, intimidate or interfere with any person designated in section 1114. The amendment proposed in the draft bill would therefore protect the employees of the Maritime Administration and the General Services Administration by providing punishment not only for killing them but also for the said acts enumerated in section 111.

With respect to property administered and controlled by the Secretary of Commerce, on January 19, 1953, the Administrator of General Services Administration delegated authority to the Secretary of Commerce to appoint uniformed guards as special policemen with the powers conferred in the act of June 1, 1948, 62 Stat. 281, for duty in connection with the protection of Maritime Administration properties not protected by guards of the Public Buildings Service, General Services Administration. The Secretary of Commerce was also authorized to redelegate this authority to such officials of the Maritime Administration as he and the Maritime Administrator may deem necessary.

Accordingly, on May 15, 1953, Order No. 170 was issued by the Maritime Administrator, pursuant to the direction of the Secretary of Commerce, authorizing the designation of

persons to protect Maritime Administration properties not protected by guards of the Public Buildings Service, General Services Administration.

Section 1114 (and its predecessor, sec. 253) has been amended from time to time to extend protection to Government officers and employees who come in contact with criminal characters or persons likely to commit crimes by making it a Federal offense to assault or otherwise injure them, or to interfere with them in the performance of their duties. Such criminal characters are often found in the vicinity of docks, warehouses, terminals and storage areas on the lookout for an opportunity to steal or damage property therein contained.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the House of Representatives, there is printed below in roman type without brackets existing law in which no change is proposed by enactment of the bill here reported; present provisions proposed to be stricken are enclosed in black brackets; and new provisions proposed to be inserted are shown in italic:

TITLE 18, UNITED STATES CODE, SECTION 1114

§ 1114. Protection of officers and employees of the United States.

Whoever kills any judge of the United States, any United States Attorney, any Assistant United States Attorney, or any United States marshal or deputy marshal or person employed to assist such marshal or deputy marshal, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, any post-office inspector, any officer or employee of the Secret Service or of the Bureau of Narcotics, any officer or enlisted man of the Coast Guard, any officer or employee of any United States penal or correctional institution, *any probation officer of a United States district court*, any officer, employee or agent of the customs or of the internal revenue or any person assisting him in the execution of his duties, any immigration officer, any officer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary of the Interior to enforce any Act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Bureau of Land Management, any employee of the Bureau of Animal Industry of the Department of Agriculture, **[**or any officer or employee of the Indian field service of the United States,**]** *any officer or employee of the Indian field service of the United States, any officer or employee of the Department of Labor authorized to perform duties in connection with investigatory or enforcement functions under provisions relating to labor in any law of the United States, any officer, guard or special policeman who is designated either by the Secretary of Commerce or by any person authorized by him to make such*

designation, or who is designated by the Administrator of the General Services Administration or by any person authorized by him to make such designation, to guard and protect property of the United States under the administration and control of the Department of Commerce or the General Services Administration, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under sections 1111 and 1112 of this title.



designation of who is to be the representative of the Government in the event of a declaration of war or other emergency. The Commission is composed of three members, one of whom is to be designated by the Government, one by the League of Nations, and one by the International Committee of the Red Cross. The Commission is to be empowered to issue orders and regulations for the protection of the civilian population in the event of a declaration of war or other emergency. The Commission is to be empowered to issue orders and regulations for the protection of the civilian population in the event of a declaration of war or other emergency. The Commission is to be empowered to issue orders and regulations for the protection of the civilian population in the event of a declaration of war or other emergency.

